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09/787,117	06/29/2001	Tony Harris	SWO-001.01.	1101

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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

EXAMINER

DIVINE, LUCAS

ART UNIT PAPER NUMBER

2624

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/787,117	Applicant(s) HARRIS ET AL.	
	Examiner Lucas Divine	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 50 – 64 are pending.
2. Replacement drawings, new title, and amendments to specification accepted.

Response to Arguments

3. Applicant's arguments with respect to claim 50 – 64 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **activation module** and **graphics data defining an image of a consumable** that causes the communication link when selected must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 54 is objected to because of the following informalities: Examiner believes 'sent' in line 11 should be 'send'. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 50 – 64 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The independent claims state that when the predetermined element is selected, some unknown activation module creates a communication via a modem. Further, there is no discussion of the fact that by clicking on a button an activation module makes a connection link.

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For example, the claim lists the activation module as separate from a printer engine, which is not specifically shown or discussed in the specification.

Therefore, the activation module is not supported and is new matter. The claims are therefore rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 50 and 58 – 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomidokoro (US 6023593).

Regarding claims 50, 59 and 64, Tomidokoro teaches a **printer driver** (e.g. 100-1 Figs.

1, 5) **for causing a computer to generate control commands for driving a printer** (print engine of copier 100-1), **the printer driver comprising:**

a status store (memories 102, 104, 105) **configured to store state data identifying a current state for each of a number of functions of a printer** (the memories store all of the settings [current states] of all of the functions of the printer [Fig. 8]);

a driver engine (101, Fig. 5) operable to generate control signals for driving a printer in accordance with state data stored in said status store (CPU generates signals for the whole copier, including the print engine for printing, also printing based on the settings the user has set up with the operation panel [e.g. Fig. 8]);

a user interface generation module (107 generates the user interface on the operation panel based on signals from 101, Fig. 5) for generating display data defining graphical user interface displays including a plurality of graphical elements and responsive to user selection of at least some of the graphical elements in generated user interface displays to update data stored in said status store (e.g. Figs. 8, 7); and

an activation module (110, Fig. 5, 6) for causing a modem to generate communications signals (200 acts as a modem and generates signals for ordering supplies etc.; col. 8 line 30 – col. 9 line 11),

wherein said user interface generation module is responsive to user selection of a predetermined graphical element of a generated user interface display to cause said activation module to cause a modem to generate a communication link with a remote computer (button 187, Figs. 12 – 19 generates a consumable item request from the copier to the central control apparatus that goes through the modem 200; col. 12 lines 11-20).

Regarding claims 58 and 60, which depend from claims 50 and 59, Tomidokoro teaches **said user interface generation module is operable to generate display data defining a plurality of different graphical user interface displays, each of which includes said predetermined graphical element (e.g. Figs. 14 – 17); and**

said user interface generation module is responsive to user selection of said predetermined graphical element from any of said plurality of graphical user interface displays to cause said activation module to cause a modem to generate a communications link with a remote computer (the only function of the button 187 is to generate the consumable order request, thus, in each interface, that is its sole purpose).

Regarding claim 61, which depends from claim 59, Tomidokoro teaches **a printer operable to perform functions in accordance with control signals generated by said printer driver** (e.g. print engine of copier 100-1).

Regarding claim 62, which depends from claim 59, Tomidokoro teaches **user interface generation module is responsive to user selection of said predetermined graphical element in a generated user interface display to cause said activation module to cause a modem to generate a communications link and to send a signal via the communications link for procuring a consumable product for use with said printer** (Figs. 12-19, wherein the order is for consumables).

Regarding claim 63, which depends from claim 59, Tomidokoro teaches **a remote computer (400); and a communications network (300) operable to transmit communications signals between said modem and of said communication system and said remote computer** (communications between 200 and 400).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 51, 52, 53, 56, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomidokoro as applied to claim 50 above, and further in view of Benjamin et al. (US 6113208).

Regarding claims 56 and 57, which depends from claim 50, Tomidokoro does not specifically teach updating the printer driver code.

However, Benjamin teaches that is useful to update printer drivers (Fig. 4, col. 3 lines 38-40, col. 4 lines 5-11, lines 18-19, 35-40), which is downloaded/retrieved and run to update the driving operations of the printer.

It would have been obvious to one of ordinary skill in the art to provide a graphical element on the printer driver of Tomidokoro in order to update the printer driver operations. The motivations for doing so would have been to always be updated with the most recent software, which generally includes enhancements, better performance, bug fixes, and other updates.

Regarding claim 51, which depends from claim 50, Tomidokoro teaches that **said activation module comprises a data store** (e.g. ROM and RAM col. 8 lines 54-55, registers, etc.).

Benjamin teaches storing data **storing store data indicative of a remote computer** (col. 4 lines 9 and 35), **wherein said activation module is operable to cause a modem to generate a communications link with the remote computer identified by data stored in said data store** (col. 9 line 35).

It would have been obvious to one of ordinary skill in the art that the copiers of Tomidokoro could include information as to the manufacturer of the device for ordering consumables. The motivation would have been to allow the user to get official consumables and to know where to order the consumables from (what consumable item supplier will be 500). For example, the copiers could be all of different type and each could store its own manufacturer site to simplify the job of the rest of the system and send it along for the central controlling device to use in accessing the correct site to get consumables.

Regarding claim 52, which depends on claim 51, Benjamin teaches **said data store is further configured to store data indicative of the printer for which said driver engine is operable to generate control commands** (manufacturer information about the print engine/consumables/copier; col. 4 line 9),

said activation module being responsive to user selection of said predetermined graphical element to cause a modem to generate a communications link and send a signal via the communications link for procuring a consumable product on the basis of said stored data indicative of said printer (sends information to the Internet website for ordering consumables and updating drivers; col. 4 lines 1-40).

Regarding claim 53, which depends from claim 52, Tomidokoro does not specifically teach that the printing devices of 100 can be printers that print with ink. However, Benjamin teaches that one common type of printing device is a printer that uses ink (Figs. 1 and 2).

It would have been obvious to one of ordinary skill in the art that the printing devices of Tomidokoro could have been ones that use ink. The motivation for doing so would have been to

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possibly have lower cost devices such as printing devices in the system because ink can cost less to replenish, especially if one of the devices is not used much, ink may be a better option.

10. Claims 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomidokoro as applied to claims 51 above, and further in view of Isemura (US 5832337).

Regarding claim 55, which depends on claim 51, Tomidokoro does not teach **the user interface generation module generates the predetermined graphical element whenever the printer driver is activated.**

However, Isemura teaches **the user interface generation module generates the predetermined graphical element whenever the printer driver is activated** (Figs. 9 – 14, wherein the user can select what options they want on the basic screen).

It would have been obvious that the ordering option of Tomidokoro could have been placed on the initial screen of the user interface as taught in Isemura. The motivation for doing so would have been to allow the user faster access to order supplies or just allowing the user to place the command on the basic window if they prefer for any preference reason.

11. Claims 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomidokoro as applied to claims 50 above, and further in view of Fein et al. (US 5897623).

Regarding claim 54, which depends from claim 50, Tomidokoro teaches **a graphics store** (memories 103, 104, 105 inherently include the graphics shown in Fig. 8 for example) **configured to store graphics data defining graphical elements to be incorporated in user interface displays generated by said user interface generation**

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module (e.g. Fig. 8, Fig. 12);

wherein said graphics store is configured to store graphics data defining an image of a consumable product for use with the printer for which said driver engine is operable to generate control commands (Fig. 8 shows graphics of sheets of paper in selecting which sizes the user would like to use in printing).

Tomidokoro does not specifically teach using the image of a product to allow the user to select what they will want and then by selecting the image the user orders the item.

Fein teaches using the image of a product to allow the user to select what they will want and then by selecting the image the user orders the item (col. 8 lines 16-20).

It would have been obvious to one of ordinary skill in the art that the images of the consumables of Tomidokoro could be used in the ordering process of Tomidokoro. Thus, in Fig. 12, the user would see the actual paper and could be able to click on the image to get the order. Thus, the ordering process would be sped up and the user would make less mistakes in ordering consumables because they have seen images which further helps in making sure the correct consumable is ordered.

12. Claims 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomidokoro and Fein as applied to claims 54 above, and further in view of Isemura.

Regarding claim 55, which depends on claim 54, Tomidokoro does not teach **the user interface generation module generates the predetermined graphical element whenever the printer driver is activated**.

However, Isemura teaches **the user interface generation module generates the predetermined graphical element whenever the printer driver is activated** (Figs. 9 – 14, wherein the user can select what options they want on the basic screen).

It would have been obvious that the ordering option of Tomidokoro could have been placed on the initial screen of the user interface as taught in Isemura. The motivation for doing so would have been to allow the user faster access to order supplies or just allowing the user to place the command on the basic window if they prefer for any preference reason.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

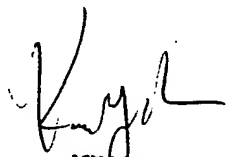
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 571-272-7432. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KING Y. POON
PRIMARY EXAMINER

Lucas Divine
Examiner
Art Unit 2624

ljd